

# **JOURNAL OF THE HOUSE**

## **NINETY-FIRST SESSION**

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SEVENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, January 21, 2016

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor David Hussey, followed by the Pledge of Allegiance led by House page Michael Cutshaw.

Roll Call: All members present except Reps. Cronin, Dryden, Feickert, Kaiser, May, and Schrempp who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Dean Wink, Chair

Which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

MR. SPEAKER:

The Committee on Taxation respectfully reports that it has had under consideration HB 1049 and 1050 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Taxation respectfully reports that it has had under consideration HB 1053 and returns the same with the recommendation that said bill be amended as follows:

1053ja

On page 6, after line 8 of the printed bill, insert:

" Section 12. That the code be amended by adding a NEW SECTION to read:

No political subdivision of the state may require any permits, licenses, permit fees, or license fees upon the operation of a mechanical or electronic amusement device except for the tax imposed upon the gross receipts derived from such devices pursuant to chapter 10-52."

And that as so amended said bill do pass.

Respectfully submitted,  
Roger D. Solum, Chair

Also MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1027 and returns the same with the recommendation that said bill be amended as follows:

1027ca

On page 1, line 13, of the printed bill, delete "vibration".

On page 1, line 15, delete everything after "use of" and insert "devices that mimic or".

And that as so amended said bill do pass.

Respectfully submitted,  
Scott Munsterman, Chair

## MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to transmit herewith SB 19 and 55 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,  
Kay Johnson, Secretary

## MOTIONS AND RESOLUTIONS

Rep. Gosch moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Friday, January 22, the 8<sup>th</sup> legislative day.

Which motion prevailed.

## FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1070 Introduced by: Representatives Jensen (Alex), Bartling, Conzet, Cronin, Dryden, Gosch, Haggart (Don), Hawley, Johns, Langer, Latterell, Mickelson, Partridge, Peterson (Kent), Romkema, Schoenbeck, Stevens, Westra, and Wollmann and Senators Shorma, Brown, Buhl O'Donnell, Curd, Haverly, Heinert, Novstrup (David), Parsley, Peters, Solano, Tidemann, and White

FOR AN ACT ENTITLED, An Act to establish venue for certain actions arising out of real property lease agreements.

Was read the first time and referred to the Committee on Judiciary.

HB 1071 Introduced by: Representatives Jensen (Alex), Craig, Hawks, Holmes, and Tulson and Senators Fiegen, Cammack, Greenfield (Brock), and Peters

FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the annual conference between county commissioners and the director of equalization.

Was read the first time and referred to the Committee on Local Government.

1 HB 1072 Introduced by: Representatives Schoenbeck, DiSanto, Greenfield (Lana), Johns,  
2 Kirschman, McCleerey, and Zikmund and Senators Hunhoff (Bernie), Bradford, Buhl  
3 O'Donnell, Frerichs, Greenfield (Brock), Olson, Parsley, Rampelberg, and Tieszen

4 FOR AN ACT ENTITLED, An Act to revise the process by which the administrator to the  
5 retirement system may receive an additional salary adjustment.

6 Was read the first time and referred to the Committee on State Affairs.

7 HB 1073 Introduced by: Representatives Verchio, Campbell, Feickert, Kirschman, Marty,  
8 McCleerey, Qualm, Rasmussen, Schrempp, Werner, and Zikmund and Senators Rampelberg,  
9 Monroe, and Olson

10 FOR AN ACT ENTITLED, An Act to require persons operating bicycles under certain  
11 conditions to stop and allow faster vehicles to pass.

12 Was read the first time and referred to the Committee on Transportation.

13 HB 1074 Introduced by: Representatives Verchio, Campbell, Feickert, Kirschman, Marty,  
14 McCleerey, Qualm, Werner, Wiik, and Zikmund and Senators Rampelberg, Monroe, and Olson

15 FOR AN ACT ENTITLED, An Act to repeal the rule that allows anonymous complaints  
16 to be filed against real estate appraisers.

17 Was read the first time and referred to the Committee on Judiciary.

18 HB 1075 Introduced by: Representatives Werner, Anderson, Bolin, Brunner, Campbell,  
19 Conzet, Craig, Cronin, Deutsch, DiSanto, Dryden, Feickert, Gosch, Haggar (Don), Harrison,  
20 Haugaard, Johns, Kirschman, Klumb, Langer, Latterell, Marty, May, McCleerey, Munsterman,  
21 Partridge, Qualm, Rasmussen, Rozum, Schaefer, Schoenfish, Schrempp, Sly, Stalzer, Tulson,  
22 Verchio, Wiik, Wollmann, and Zikmund and Senators Brown, Bradford, Cammack, Ewing,  
23 Frerichs, Greenfield (Brock), Haggar (Jenna), Jensen (Phil), Monroe, Olson, Omdahl, Otten  
24 (Ernie), Rampelberg, Rusch, and Shorma

25 FOR AN ACT ENTITLED, An Act to revise the area for certain open units where  
26 nonresident waterfowl licenses are issued.

27 Was read the first time and referred to the Committee on Agriculture and Natural  
28 Resources.

1 HB 1076 Introduced by: Representatives DiSanto, Brunner, Campbell, Craig, Greenfield  
2 (Lana), Latterell, Marty, May, Qualm, Rasmussen, Schrempp, Verchio, Werner, and Wiik and  
3 Senators Olson, Ewing, Greenfield (Brock), Jensen (Phil), Omdahl, Rampelberg, and Shorma

4 FOR AN ACT ENTITLED, An Act to provide for drug testing for certain assistance  
5 applicants.

6 Was read the first time and referred to the Committee on Health and Human Services.

7 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

8 SB 19: FOR AN ACT ENTITLED, An Act to revise certain mandatory reporting  
9 requirements for elder and disabled adult abuse and neglect.

10 Was read the first time and referred to the Committee on Judiciary.

11 SB 55: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
12 HOPE probation program.

13 Was read the first time and referred to the Committee on Judiciary.

14 **SECOND READING OF CONSENT CALENDAR ITEMS**

15 Rep. Rounds requested that HB 1040 be removed from the Consent Calendar.

16 Which request was granted.

17 HB 1038: FOR AN ACT ENTITLED, An Act to update certain citations to federal  
18 regulations regarding pipeline safety inspections.

19 Was read the second time.

20 The question being "Shall HB 1038 pass?"

21 And the roll being called:

22 Yeas 63, Nays 0, Excused 7, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
3 DiSanto; Duvall; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;  
4 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
5 Killer; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman;  
6 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Romkema;  
7 Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer;  
8 Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;  
9 Speaker Wink

10 Excused:

11 Cronin; Dryden; Feickert; Kaiser; May; Ring; Schrempp

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1041: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
15 recovery of certain insurance company premium and annuity taxes.

16 Was read the second time.

17 The question being "Shall HB 1041 pass?"

18 And the roll being called:

19 Yeas 63, Nays 0, Excused 7, Absent 0

20 Yeas:

21 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
22 DiSanto; Duvall; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;  
23 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
24 Killer; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman;  
25 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Romkema;  
26 Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer;  
27 Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;  
28 Speaker Wink

29 Excused:

30 Cronin; Dryden; Feickert; Kaiser; May; Ring; Schrempp

31 So the bill having received an affirmative vote of a majority of the members-elect, the  
32 Speaker declared the bill passed and the title was agreed to.

1                   **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2           HB 1025: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled  
3 substances schedule and to declare an emergency.

4           Was read the second time.

5           The question being "Shall HB 1025 pass?"

6           And the roll being called:

7           Yeas 64, Nays 0, Excused 6, Absent 0

8           Yeas:

9 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
10 DiSanto; Duvall; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;  
11 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
12 Killer; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman;  
13 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;  
14 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum;  
15 Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann;  
16 Zikmund; Speaker Wink

17          Excused:

18 Cronin; Dryden; Feickert; Kaiser; May; Schrempp

19          So the bill having received an affirmative vote of a two-thirds majority of the members-  
20 elect, the Speaker declared the bill passed and the title was agreed to.

21          HB 1003: FOR AN ACT ENTITLED, An Act to revise certain administrative functions  
22 regarding county government.

23          Having had its second reading was up for consideration and final passage.

24 1003rb

25          Rep. Rounds moved that HB 1003 be amended as follows:

26          On page 2 of the printed bill, delete lines 1 to 3, inclusive, and insert:

27 ~~"when sitting as a board and may punish contempts by fines not exceeding five dollars or by~~  
28 ~~imprisonment in the county jail not exceeding twenty-four hours. It. The board may enforce~~  
29 ~~obedience to all its orders by".~~

30          Which motion prevailed.

1 The question being "Shall HB 1003 pass as amended?"

2 And the roll being called:

3 Yeas 63, Nays 1, Excused 6, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
6 DiSanto; Duvall; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;  
7 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
8 Killer; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman;  
9 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;  
10 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Soli; Solum; Stalzer;  
11 Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;  
12 Speaker Wink

13 Nays:

14 Schoenbeck

15 Excused:

16 Cronin; Dryden; Feickert; Kaiser; May; Schrempp

17 So the bill having received an affirmative vote of a majority of the members-elect, the  
18 Speaker declared the bill passed and the title was agreed to.

19 Speaker Pro tempore Mickelson now presiding.

20 HB 1001: FOR AN ACT ENTITLED, An Act to repeal the Midwestern Regional Higher  
21 Education Compact.

22 Was read the second time.

23 Rep. Westra moved the previous question.

24 Which motion prevailed.

25 The question being "Shall HB 1001 pass?"

26 And the roll being called:

27 Yeas 49, Nays 15, Excused 6, Absent 0



1 Yeas:

2 Anderson; Beal; Bolin; Bordeaux; Brunner; Conzet; Craig; Deutsch; DiSanto; Duvall; Gosch;  
3 Greenfield (Lana); Haggard (Don); Harrison; Haugaard; Hawley; Heinemann (Leslie); Hunt;  
4 Jensen (Alex); Johns; Klumb; Langer; Latterell; Marty; Mickelson; Novstrup (Al); Partridge;  
5 Peterson (Kent); Qualm; Rasmussen; Rounds; Rozum; Russell; Schaefer; Schoenbeck;  
6 Schoenfish; Soli; Solum; Stalzer; Steinhauer; Stevens; Verchio; Werner; Westra; Wiik;  
7 Willadsen; Wollmann; Zikmund; Speaker Wink

8 Nays:

9 Bartling; Campbell; Gibson; Hawks; Holmes; Hunhoff (Jean); Killer; Kirschman; McCleerey;  
10 Munsterman; Otten (Herman); Ring; Romkema; Sly; Tulson

11 Excused:

12 Cronin; Dryden; Feickert; Kaiser; May; Schrempp

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill passed and the title was agreed to.

15 Speaker Wink now presiding.

16 HB 1030: FOR AN ACT ENTITLED, An Act to revise certain codes and standards  
17 regarding fire prevention.

18 Was read the second time.

19 The question being "Shall HB 1030 pass?"

20 And the roll being called:

21 Yeas 62, Nays 2, Excused 6, Absent 0

22 Yeas:

23 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
24 DiSanto; Duvall; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard;  
25 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
26 Killer; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman;  
27 Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds;  
28 Rozum; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens;  
29 Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

30 Nays:

31 Novstrup (Al); Russell

32 Excused:

33 Cronin; Dryden; Feickert; Kaiser; May; Schrempp

1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 Speaker declared the bill passed and the title was agreed to.

3 HB 1032: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
4 guaranteed energy savings contracts.

5 Was read the second time.

6 The question being "Shall HB 1032 pass?"

7 And the roll being called:

8 Yeas 63, Nays 1, Excused 6, Absent 0

9 Yeas:

10 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
11 DiSanto; Duvall; Gibson; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;  
12 Hawks; Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;  
13 Killer; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman;  
14 Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring;  
15 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Soli; Solum;  
16 Stalzer; Steinhauer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;  
17 Speaker Wink

18 Nays:

19 Verchio

20 Excused:

21 Cronin; Dryden; Feickert; Kaiser; May; Schrempp

22 So the bill having received an affirmative vote of a majority of the members-elect, the  
23 Speaker declared the bill passed and the title was agreed to.

24 There being no objection, the House reverted to Order of Business No. 5.

## 25 **REPORTS OF STANDING COMMITTEES**

26 **MR. SPEAKER:**

27 The Committee on Local Government respectfully reports that it has had under  
28 consideration HB 1033 and 1036 and returns the same with the recommendation that said bills  
29 do pass.

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under  
3 consideration HB 1009, 1034, 1035, and 1037 and returns the same with the recommendation  
4 that said bills do pass and be placed on the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on Local Government respectfully reports that it has had under  
7 consideration HB 1005 and returns the same with the recommendation that said bill be amended  
8 as follows:

9 1005fd

10 On page 2, line 16, of the printed bill, delete "remitted to the department" and insert  
11 "deposited in the state motor vehicle fund".

12 On page 3, line 8, delete "remitted to the department" and insert "deposited in the state  
13 general fund".

14 On page 4, line 1, overstrike ", as defined in § 42-8-2,".

15 On page 6, line 21, delete "ten" and insert "six".

16 On page 7, line 5, after "dollars" insert "or more than three thousand five hundred dollars.  
17 If the execution or order of sale is a foreclosure of a real estate mortgage, the commission may  
18 not be more than one thousand five hundred dollars".

19 On page 10, after line 4, insert:

20 " Section 15. That § 32-11-29 be amended to read:

21 32-11-29. The following fees:

22 (1) Fees collected under §§ 32-3-57, 32-5-99, 32-5-111, and 32-7A-14.1;

23 (2) The two percent of motor vehicle license collections referred to in § 32-11-4.1; and

24 (3) The title fees collected under ~~§§ 32-3-18 and § 32-3-27~~;

25 shall be credited to the state motor vehicle fund. All revenues not appropriated from the special  
26 revenue fund established by § 32-5-10.2 shall remain in the fund for the next fiscal year and be  
27 used solely for purposes of motorcycle safety courses and motorcycle safety education."

28 And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under  
3 consideration HB 1004 and returns the same with the recommendation that said bill be amended  
4 as follows:

5 1004ya

6 On page 15, line 3, of the printed bill, before "highways" overstrike "said" and insert "the".

7 On page 15, line 3, before "county" overstrike "said" and insert "the".

8 On page 15, line 5, delete "law, ~~such~~. The" and insert "law, ~~such~~ the".

9 And that as so amended said bill do pass and be placed on the consent calendar.

10 Respectfully submitted,  
11 Herman Otten, Vice Chair

12 Rep. Anderson moved that the House do now adjourn, which motion prevailed and at  
13 2:54 p.m. the House adjourned.

14 Arlene Kvislen, Chief Clerk

15 **JOINT SESSION**

16 Pursuant to the report of the Joint-Select Committee, as found on page 31 of the House  
17 Journal, the Senate and the House of Representatives met in informal joint session in the House  
18 Chamber for the purpose of having a memorial service for deceased former members and  
19 reading of the following Joint Memorial Resolution:

20 **WHEREAS**, the Great Ruler of the Universe has ordered a final adjournment in the  
21 lives of seven former members of the South Dakota Legislature, namely: the *Honorable*  
22 *Walter C. Conahan*; the *Honorable Wilbur Foss*; the *Honorable Harold D. Koch*; the  
23 *Honorable Walter Dale Miller*; the *Honorable James G. Ramey*; the *Honorable Thomas*  
24 *Roby*; and the *Honorable Louise Van Gerpen*; and

25 **WHEREAS**, in the lives of all these eminent public servants there was noted a  
26 profound urgency in an unselfish manner, with trials and vicissitudes often far outweighing  
27 honors, but with a consciousness that here in a land of freedom the dignity of the individual  
28 is supreme, that justice must be dispensed, and that only by eternal vigilance and unrelenting  
29 effort can self-government of a people be preserved; and

30 **WHEREAS**, it is fitting that we humbly honor the memory of those who have thus  
31 contributed to the orderly process of government under the Constitution:

1       **NOW, THEREFORE, BE IT RESOLVED**, by the Senate and the House of  
2 Representatives of the Ninety-first Session of the Legislature of the State of South Dakota  
3 duly convened in recess session in recognition of the useful lives and unfailing devotion to  
4 the interests of the State of South Dakota, as well as the rectitude of thought and action and  
5 fidelity to the highest principles of American citizenship by these honorable people, that the  
6 Senate and the House of Representatives do now pause in their labors out of respect for the  
7 memory of their late fellow associates in the functions of government, and note that in their  
8 passing, the state they have served so well has suffered a distinct loss, and though their  
9 labors have ceased and they have been laid to rest, the people of this great state have  
10 benefited greatly from the services rendered by them and they have left upon the sands of  
11 time an inspiring record of devotion to their fellow citizens under the guiding hand of  
12 Almighty God; and

13       **BE IT FURTHER RESOLVED**, that this Resolution be printed in the journals of the  
14 Senate and the House of Representatives of the Ninety-first Session of the Legislature of the  
15 State of South Dakota, now assembled this 21st day of January, 2016, at Pierre, South  
16 Dakota.

